



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2184

Introduced 2/14/2005, by Rep. Michael J. Madigan - Barbara Flynn Currie - John A. Fritchey

SYNOPSIS AS INTRODUCED:

740 ILCS 23/5

Amends the Illinois Civil Rights Act of 2003. Makes a technical change in a Section concerning the prohibition of discrimination by units of State, county, or local government.

LRB094 02979 LCB 32980 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Civil Rights Act of 2003 is amended
5 by changing Section 5 as follows:

6 (740 ILCS 23/5)

7 Sec. 5. Discrimination prohibited.

8 (a) No unit of State, county, or local government in
9 Illinois shall:

10 (1) exclude a person from participation in, deny a
11 person the ~~the~~ benefits of, or subject a person to
12 discrimination under any program or activity on the grounds
13 of that person's race, color, or national origin; or

14 (2) utilize criteria or methods of administration that
15 have the effect of subjecting individuals to
16 discrimination because of their race, color, or national
17 origin.

18 (b) Any party aggrieved by conduct that violates subsection
19 (a) may bring a civil lawsuit, in a federal district court or
20 State circuit court, against the offending unit of government.
21 Any State claim brought in federal district court shall be a
22 supplemental claim to a federal claim. This lawsuit must be
23 brought not later than 2 years after the violation of
24 subsection (a). If the court finds that a violation of
25 paragraph (1) or (2) of subsection (a) has occurred, the court
26 may award to the plaintiff actual damages. The court, as it
27 deems appropriate, may grant as relief any permanent or
28 preliminary negative or mandatory injunction, temporary
29 restraining order, or other order.

30 (c) Upon motion, a court shall award reasonable attorneys'
31 fees and costs, including expert witness fees and other
32 litigation expenses, to a plaintiff who is a prevailing party

1 in any action brought:

2 (1) pursuant to subsection (b); or

3 (2) to enforce a right arising under the Illinois
4 Constitution.

5 In awarding reasonable attorneys' fees, the court shall
6 consider the degree to which the relief obtained relates to the
7 relief sought.

8 (d) For the purpose of this Act, the term "prevailing
9 party" includes any party:

10 (1) who obtains some of his or her requested relief
11 through a judicial judgment in his or her favor;

12 (2) who obtains some of his or her requested relief
13 through any settlement agreement approved by the court; or

14 (3) whose pursuit of a non-frivolous claim was a
15 catalyst for a unilateral change in position by the
16 opposing party relative to the relief sought.

17 (Source: P.A. 93-425, eff. 1-1-04; 93-750, eff. 1-1-05.)